

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, ex rel,)	
W.A. DREW EDMONDSON,)	
in his capacity as ATTORNEY GENERAL)	
OF THE STATE OF OKLAHOMA, et al.)	
)	
vs.)	Case No. 4:05-CV-329-TCK-SAJ
)	
TYSON FOODS, INC., et al.)	
)	
Defendants.)	

**DEFENDANT TYSON FOODS, INC.'s APRIL 25, 2007 REQUESTS
FOR PRODUCTION OF DOCUMENTS TO PLAINTIFFS**

Defendant Tyson Foods, Inc. ("Tyson"), pursuant to Fed. R. Civ. P. 34, requests that the Plaintiffs produce the following described documents at the offices of Kutak Rock, LLP, 214 West Dickson Street, Fayetteville, AR 72701 within thirty (30) days of receipt of these requests.

INSTRUCTIONS

The following instructions shall apply to these Requests for Production of Documents:

1. These Requests shall be deemed continuing pursuant to Federal Rules of Civil Procedure to require supplemental responses if the Plaintiffs directly or indirectly acquire additional information between the time the answers are served and the time of trial. Such additional responses shall be served seasonably, but no later than thirty (30) days after such information is received.
2. The following Requests are intended to obtain documents in your possession or within your custody or control.
3. If any or all documents requested herein are no longer in your possession, custody, or control because of destruction, loss or any other reason, then do the following with

respect to each and every such document: (a) describe the nature of the document (e.g., letter or memorandum); (b) state the date of the document; (c) identify the person who sent and received the original and a copy of the document; (d) state in as much detail as possible the contents of the document; and (e) state the manner and date of disposition of the document.

4. If you contend that you are entitled to withhold from production any or all documents requested herein on the basis of the attorney/client privilege, the work-product doctrine, or other grounds, then do the following with respect to each and every document: (a) describe the nature of the document (e.g., letter or memorandum); (b) state the date of the document; (c) identify the person who sent and received the original and a copy of the document; (d) state the subject matter of the document; and (e) state the basis upon which you contend you are entitled to withhold the document from production.

DEFINITIONS

The following definitions shall apply to these Requests for Production of Documents:

1. If a term is undefined, you shall ascribe the common, dictionary meaning to the term.

2. For purposes of these Requests: (i) the plural shall include the singular and the singular the plural; (ii) one gender shall include the other gender; and (iii) the past tense shall include the present tense and vice versa.

3. The terms "AND" and "OR" are both used in the inclusive sense; both require all information that meets the description of one or more of the disjunctive words or phrases.

4. The terms "RELATE," "RELATED" and "RELATE TO" mean constitutes, refers to, contains, embodies, evidences, reflects, contradicts, refutes, identifies, states, deals with, bears upon or is in any way connected with the matter described.

5. "YOU," "YOUR" or "YOURSELF" shall include the Plaintiffs and their representative(s).

6. The terms "DOCUMENT," "DOCUMENTS," or "WRITINGS" mean any kind of written, typewritten, printed, recorded, computer produced or graphic material, however produced or reproduced, including without limitation, agreements, affidavits, instruments, deeds, statements, applications, brochures, drawings, graphs, photographs, microfilms, notes, summaries, memoranda, letters, telegrams, mailgrams, calendars, appointment books, newspaper or periodical articles and/or advertisements, pamphlets, reports, bulletins, prospectuses, summaries or recordings of telephone or other conversations, summaries or recordings of personal conversations, statements, enclosures, diaries, notebooks, minutes, summaries and/or reports of negotiations or investigations, analyses, projects, books, ledger sheets, accounts, journals, checks, receipts, publications, contracts, records, tapes, transcripts of records, video or audio recordings, computer printouts and business records and further includes without limitation electronically stored documents, data compilations or records.

7. "RESPONSES TO REQUESTS FOR ADMISSION" shall mean the State of Oklahoma's Responses to Defendants' Requests for Admission served by the State on April 20, 2007 in this lawsuit.

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1: Please produce all documents which you contend support or tend to support your statement on page 2 of your Responses to Requests for Admission that "the listing of elemental chemicals on various EPA lists used in CERCLA is intended to include compounds of such chemicals for purposes of determining whether a chemical / chemical compound is a hazardous substance for purposes of CERCLA liability."

REQUEST FOR PRODUCTION NO. 2: Please produce the “issued orders” and “agreements” entered into by the State with respect to improving “WWTP facilities” referenced by you in Response to Request No. 32 on page 16 of your Responses to Requests for Admission.

REQUEST FOR PRODUCTION NO. 3: Please produce all documents discussing, referring or relating to the “limited occasions . . . [in which], a sewage pond owned or maintained by a city or town overflowed during a storm” referenced by you in Response to Request No. 33 on page 17 of your Responses to Requests for Admission.

REQUEST FOR PRODUCTION NO. 4: Please produce all documents discussing, referring or relating to any administrative, regulatory or other legal enforcement action brought by the State which you contend constitutes a “prohibition” by the State of the use of commercial fertilizer under the State’s general authority to “prohibit the creation of a nuisance or pollution of the waters of the State” as described by you in Response to Request No. 120 on page 49 of your Responses to Requests for Admission.

REQUEST FOR PRODUCTION NO. 5: Please produce all documents which you contend support your statement that “[t]he constituents of poultry litter have been found throughout the IRW” in Response to Request No. 147 on page 56 of your Responses to Requests for Admission.

REQUEST FOR PRODUCTION NO. 6: Please produce copies of the particular contracts with specific contract poultry growers to which you referred in your statement in Response to Request No. 152 on page 58 of your Responses to Requests for Admission that “[i]llegal activity inevitably and foreseeably results from the poultry operations carried out pursuant to some contracts.”

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REQUEST FOR PRODUCTION NO. 7: Please produce copies of all documents that constitute the evidence of the amount of poultry litter applied in the IRW produced by poultry producers under contract with each defendant that you claim to have in Response to Request No. 153 on page 58 of your Responses to Requests for Admission.

REQUEST FOR PRODUCTION NO. 8: Please produce copies of all documents that constitute the evidence of the amount of phosphorus compounds in the environment in the IRW originating from poultry houses under contract with each defendant that you claim to have in Response to Request No. 155 on page 59 of your Responses to Requests for Admission.

REQUEST FOR PRODUCTION NO. 9: Please produce copies of all documents that constitute the evidence of the amount of nitrogen compounds in the environment in the IRW originating from poultry houses under contract with each defendant that you claim to have in Response to Request No. 157 on page 60 of your Responses to Requests for Admission.

REQUEST FOR PRODUCTION NO. 10: Please produce copies of all documents that constitute the evidence of the amount of arsenic compounds in the environment in the IRW originating from poultry houses under contract with each defendant that you claim to have in Response to Request No. 159 on page 60 of your Responses to Requests for Admission.

REQUEST FOR PRODUCTION NO. 11: Please produce copies of all documents that constitute the evidence of the amount of zinc compounds in the environment in the IRW originating from poultry houses under contract with each defendant that you claim to have in Response to Request No. 161 on page 61 of your Responses to Requests for Admission.

REQUEST FOR PRODUCTION NO. 12: Please produce copies of all documents that constitute the evidence of the amount of copper compounds in the environment in the IRW originating from poultry houses under contract with each defendant that you claim to have in Response to Request No. 163 on page 62 of your Responses to Requests for Admission.

REQUEST FOR PRODUCTION NO. 13: Please produce copies of all documents that constitute the evidence of the amount of hormones in the environment in the IRW originating from poultry houses under contract with each defendant that you claim to have in Response to Request No. 164 on page 62 of your Responses to Requests for Admission.

REQUEST FOR PRODUCTION NO. 14: Please produce copies of all documents that constitute the evidence of the amount of bacteria in the environment in the IRW originating from poultry houses under contract with each defendant that you claim to have in Response to Request No. 165 on page 62 of your Responses to Requests for Admission.

REQUEST FOR PRODUCTION NO. 15: Please produce copies of all documents that discuss, describe, reference or relate to the overflow, leaching, migration, release, discharge, seeping, pumping, transportation or disposition of water, wastewater, sludge or biosolids into the environment of the IRW from the State-owned sewage lagoons referenced by you in Response to Request No. 166 on page 63 of your Responses to Requests for Admission.

REQUEST FOR PRODUCTION NO. 16: Please produce copies of all documents that discuss or relate to the “educational or scientific” poultry litter applications by the State at the “demonstration sites” referenced by you in Response to Request No. 169 on pages 63 and 64 of your Responses to Requests for Admission.

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REQUEST FOR PRODUCTION NO. 17: Please produce copies of the grazing leases between the State and others with respect to the “Cherokee Wildlife Management Area” referenced by you in Response to Request No. 174 on pages 65 of your Responses to Requests for Admission and all renewals, extensions, amendments or assignments of such leases.

REQUEST FOR PRODUCTION NO. 18: Please produce copies of all documents that embody or relate to the “permits” issued by the State “allowing the land application of biosolids ...in the Illinois River Watershed” referenced by you in Response to Request No. 178 on page 67 of your Responses to Requests for Admission.

REQUEST FOR PRODUCTION NO. 19: Please produce copies of all documents that embody or relate to the State-issued “permits for construction or dredging within a streambed of the Illinois River Watershed” referenced in Response to Request No. 198 on page 73 of your Responses to Requests for Admission.

REQUEST FOR PRODUCTION NO. 20: With reference to your attempt in Response to Request No. 218 on page 80 of your Responses to Requests for Admission to support your denial of that request by interpreting the phrase “have not conducted a Natural Resource Damage Assessment” to mean “has not completed” a Natural Resource Damage Assessment, please produce all documents that you contend constitute or relate to an ongoing but not yet completed “Natural Resource Damage Assessment” pursuant to 43 C.F.R. Part 11.

REQUEST FOR PRODUCTION NO. 21: Please produce copies of all documents that describe, reference, relate to the phosphorus compound “removal activities” you allege to have conducted in Response to Request No. 220 on page 80 of your Responses to Requests for Admission.

REQUEST FOR PRODUCTION NO. 22: Please produce copies of all documents that describe, reference or relate to the nitrogen compound “removal activities” you allege to have conducted in Response to Request No. 222 on page 81 of your Responses to Requests for Admission.

REQUEST FOR PRODUCTION NO. 23: Please produce copies of all documents that describe, reference or relate to the arsenic compound “removal activities” you allege to have conducted in Response to Request No. 224 on page 82 of your Responses to Requests for Admission.

REQUEST FOR PRODUCTION NO. 24: Please produce copies of all documents that describe, reference or relate to the zinc compound “removal activities” you allege to have conducted in Response to Request No. 226 on page 83 of your Responses to Requests for Admission.

REQUEST FOR PRODUCTION NO. 25: Please produce copies of all documents that describe, reference or relate to the copper compound “removal activities” you allege to have conducted in Response to Request No. 228 on page 83 of your Responses to Requests for Admission.

REQUEST FOR PRODUCTION NO. 26: Please produce copies of all documents that describe, reference or relate to the hormone “removal activities” you allege to have conducted in Response to Request No. 229 on page 83 of your Responses to Requests for Admission.

REQUEST FOR PRODUCTION NO. 27: Please produce copies of all documents that describe, reference or relate to the bacteria “removal activities” you allege to have conducted in Response to Request No. 230 on page 84 of your Responses to Requests for Admission.

REQUEST FOR PRODUCTION NO. 28: Please produce copies of all documents that reflect, reference or relate to the costs incurred by the State in hauling poultry litter out of the IRW as alleged in Response to Request No. 231 on page 84 of your Responses to Requests for Admission.

REQUEST FOR PRODUCTION NO. 29: Please produce copies of all documents that reflect, reference or relate to the costs incurred by the State in managing and disposing of poultry litter within or outside of the IRW as alleged in Response to Request No. 232 on page 84 of your Responses to Requests for Admission.

REQUEST FOR PRODUCTION NO. 30: Please produce copies of all notices, advisories, written communications and other documents that comprise or relate to instances in which the State has advised people not to swim in waters in the IRW due to pollution or water quality conditions as alleged in Response to Request No. 242 on page 87 of your Responses to Requests for Admission.

REQUEST FOR PRODUCTION NO. 31: Please produce copies of all notices, advisories, written communications and other documents that comprise or relate to instances in which the State has advised people not to drink water which comes from the Illinois River Watershed due to pollution or water quality conditions as alleged in Response to Request No. 243 on page 87 of your Responses to Requests for Admission.

REQUEST FOR PRODUCTION NO. 32: Please produce copies of all notices, advisories, written communications and other documents that comprise or relate to instances in which the State has advised people not to consume water supplied by the rural or municipal water treatment facilities which draw drinking water from the IRW due to pollution or water quality conditions as alleged in Response to Request No. 244 on page 88 of your Responses to Requests for Admission.

REQUEST FOR PRODUCTION NO. 33: Please produce copies of all notices, advisories, written communications and other documents that comprise or relate to instances in which the State has advised people not to eat fish which come from the waters in the IRW due to pollution or water quality conditions as alleged in Response to Request No. 245 on page 88 of your Responses to Requests for Admission.

Respectfully submitted,

BY: /s/ Robert W. George

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CERTIFICATE OF SERVICE

I certify that on the 25th day of April 2007, I electronically transmitted the attached document to the to the following ECF registrants:

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I also hereby certify that I served the attached documents by United States Postal Service, proper postage paid, on the following:

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